

**Ravalli County Planning Board
Meeting Minutes for July 16, 2008
3:00 p.m.
Commissioners Meeting Room, 215 S. 4th Street, Hamilton, Montana**

Public Meeting
Gunshy Ridge II (DBL, LLC) Major Subdivision

This is a summary of the meeting, not a verbatim transcript. A CD of the meeting may be purchased from the Planning Department for \$5.00.

1. Call to order

Lee called the meeting to order at 3:05 p.m.

2. Roll Call (See Attachment A, Roll Call Sheet)

(A) Members

Mary Lee Bailey (present)
Dale Brown (present)
John Carbin (present)
Jim Dawson (excused)
Ben Hillicoss (present)
Dan Huls (excused)
JR Iman (present)
Lee Kierig (present)
Chip Pigman (present)
Les Rutledge (present)
Jan Wisniewski (present)

Park Board Representative: Bob Cron (excused)

(B) Staff

Kimberli Conder
Renee Lemon
John Lavey
Shaun Morrell
Tristan Riddell

3. Approval of Minutes

Lee asked if there were any corrections or additions to the minutes from May 7, 2008, or June 18, 2008. There were none. Both sets of minutes were approved.

4. Amendments to the Agenda

There were none.

5. **Correspondence**

There was none.

6. **Disclosure of Possible/Perceived Conflicts**

There were none.

7. **Public Meeting**

(A) Gunshy Ridge II (DBL, LLC) Major Subdivision

(i) Staff Report on the Subdivision Proposal

Tristan Riddell gave an overview of the subdivision proposal and stated Staff recommended conditional approval of the subdivision, subject to the conditions in the Staff Report. He entered the Staff Report into the record. (Staff Note: the Commissioners should include a recommendation regarding parkland dedication as part of the motion.) (See Attachment B, Gunshy Ridge II Major Subdivision Staff Report)

(ii) Presentation by Subdivider's Representative

Gordon Sorenson of Sorenson Engineering stated that he agreed with the Planning Staff for the most part, except for the following:

Condition 3 – The applicant wishes to have the language regarding the waiver of protest for road construction to be removed from the RSID/SID Waiver. This is based on the fact that the developer will be paying a pro rata share that in theory should be utilized for improvements to Eight Mile Creek Road.

Condition 11 – The applicant will provide evidence from the school district regarding whether or not a school bus shelter and/or turnout will be required.

Condition 13 – The developer would rather not do any trail, but if asked to do so, he will. If the trail is done, he would prefer to have gravel rather than asphalt as asphalt is more expensive. Again, he would rather not have to do it, but if it is necessary then this is his preference.

(iii) Acceptance of written public comments to transmit to the Ravalli County Commissioners, and a brief explanation of effective ways for the public to comment on subdivision proposal.

There was none.

(iv) Planning board deliberation and recommendation on the subdivision proposal.

Chip stated that as far as the staff report and conditions contained therein, he is tired of seeing the same stuff that is not enforceable, specifically the "Living with Wildlife" covenants. He said that if the covenants are going to be enforced then that is fine. Otherwise, he is tired of seeing them in the reports. As for Condition 13, he said that he knows that the vision of these beautiful trails and paths in the subdivisions is what the board has in mind, yet he questions the approach. He

questions how much they will really be used, whether they will be maintained and by whom they will be maintained.

Dale stated that Jenne Lane is not even up to AASHTO standards. He said that he understands that most people are using the North Hidden Valley Road, but wants to know if there is some sort of written agreement with them.

Gordon answered that there was a written agreement filed with the final plats of both Paradise Acres Phase IV and Remington Ridge.

Mary Lee asked if Exhibit A-10, an email from Larry Shock with the DNRC recommending that the developer consider a community water system, had been taken into consideration.

Gordon stated that with the 1-per-2 zoning it is not economically feasible for a community system.

Mary Lee asked where the water comes from if there is a fire.

Ben answered that it would usually come from the lake north of Eight Mile Creek Road on Upper Woodchuck and/or the Bitterroot River.

Mary Lee said that Bob Cron and Erin Holmes, of Lee Metcalf Refuge, recommend the controlled density fill instead of asphalt or gravel and she agrees with that.

Ben stated that he sees several different problems with public health and safety, with lights or lack thereof at the intersection of Eastside Highway and Eight Mile Creek Road and the lack of emergency services. He said to leave the RSID/SID Waiver as written. Also, bus shelters are important and necessary and he believes all will be maintained.

JR stated that he is in favor of the control density fill but has no problem with no trail either. As for the fire factor, this is the area where ground has been donated for the second Florence fire station. There should be some sort of shelter for the children waiting for the bus. It is a small contribution. Speaking for the Conservation District, there were no problems that he saw.

Les said that he agrees with Chip that there needs to be a movement on this board to get rid of all the unnecessary verbiage in the covenants. He also asked for more clarification on Heavens Way and when it will be constructed.

Gordon said this road has been constructed. The finished product has occurred within the last 10 days and the final plat application will be submitted to the Planning Department within the next few months.

Gordon said that the developer is going to make the pro rata contribution even knowing that the other route will be used more often.

Kirby, the representative's attorney, said that the developer is contributing around an additional \$30,000 by not asking for a variance request and access off Hidden Valley Road North.

Les stated that he did not agree with the argument that this will be a low crime subdivision, because one does not know that information. He said that he would like the developer to tell lot purchasers that there are definitely deficits in emergency services.

John Carbin agrees with Chip on the unnecessary verbiage within the covenants as well. He also stated that he agrees that public health and safety is a huge issue. He referenced a letter in the subdivision packet that is from the Sheriff in 2005 stating there was a deficit then, let alone now in 2008.

Jan said that he agrees that the bike path should be gravel instead of the asphalt just because it is easier to maintain. As for the bus shelter, he does not think this is necessary. He said that he had one on his property and it was just a place for kids to vandalize and not use correctly. He wanted it on the record that he agrees with the thoughts on a low crime neighborhood.

Lee said that he questions the inclusion of the IRBC in the subdivision regulations. He also wondered what kind of architecture would be constructed. Lastly, he said to make sure that the trails are ADA compliant.

Chip said that each subdivision should be reviewed on its own merits.

Mary Lee stated that the public health and safety issue should be forwarded to the BCC for appropriate mitigation.

John Carbin wanted to know why the Planning Staff does not see the importance and the same crisis in public health and safety as the Board sees.

Lee quoted the purpose of the Planning Board according to Title 76-3-102. He said this process is moronic and idiotic.

Chip made a motion to approve the Gunshy Ridge II Subdivision based on the findings of fact and conclusions of the law in the staff report and subject to the following conditions: that condition #3 be amended to remove the language stating that future property owners waive the right to protest future RSIDs pertaining to road construction of Eight Mile Creek Road because the developer is already paying pro rata for improvements to Eight Mile Creek Road and condition #13 be restated as installing controlled density fill as opposed to asphalt for the trail.

Dale seconded the motion.

Ben stated that he agreed with the RSID part of the motion because that money could be used for lots of different things.

Chip stated that the only thing he was removing was the condition that the buyer would have to essentially pay twice for improvements to roads.

Lee stated that the condition of the RSID motion is because pro rata is already being paid, but the other side is that something might come along later. He asked if it should stay in the motion or be removed.

The board did a quick count vote and voted 7-2 to keep the condition in the motion.

The vote was called; the members voted (5-4) to approve the Gunshy Ridge II subdivision. (See Attachment C, Gunshy Ridge II Subdivision Vote Sheet)

8. Communications from Staff

A. Planning Board rules

John Lavey handed out a draft document including proposed bylaws and operating procedures for the way Planning Board meetings could be run. He recommended that planning board members review the document, generate ideas, questions and comments, and bring those thoughts to the meeting on August 20, 2008, where a decision can be made by the board. (See Attachment D, Using Roberts Rules)

B. Planning Board handbooks

It was discussed that these would be ready for all Planning Board members by the August 20, 2008 Planning Board Meeting.

C. Resource library

Staff was not able to get each Board member their own copy of the Montana Subdivision and Surveying Law Regulations so we will have them on a check out basis in the Planning Department. Also we will soon have a couple of copies of the full book of Robert's Rules that will be able to be checked out. The staff will let the board know when those arrive.

D. Update on Planning staff

Renee Lemon –Interim Director
Shaun Morrell – Interim Senior Planner
John Lavey – Interim Planner II

E. Countywide Zoning Update

Shaun gave the update on zoning with the four different options that have been brought up. (See Attachment E, Ravalli County Comprehensive Planning Enhancement Project (CPEP) Progress Report, June 2008).

Lee stated a 5th option, just adopt what we have now. He said that it states courage, but lets just bite the bullet and do it.

Ben said he would like to make a motion to have a meeting with the Board of County Commissioners and the Planning Department on general concerns of the subdivision review.

Les seconded the motion.

The vote was unanimous to approve the motion to schedule a meeting with the BCC and The Planning Department Staff to discuss the subdivision review process.

9. **Communications from Public**

There was none.

10. **Communications from The Board**

There was none.

11. **New Business**

There was none

12. **Old Business**

There was none.

13. **Next Regularly Scheduled Meeting:** August 6, 2008, at 7:00 p.m. (Hamilton City Hall)

(A) Presentation on Zoning and Tax Appraisals: Deb Reeseman from the Department of Revenue

14. **Adjournment**

Lee adjourned the meeting at 5:35 PM.